

PILLSBURY WINTHROP SHAW PITTMAN LLP
SHERI FLAME EISNER #162776
sheri.eisner@pillsburylaw.com
DAVID L. STANTON # 208079
david.stanton@pillsburylaw.com
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

PILLSBURY WINTHROP SHAW PITTMAN LLP
JOHN M. GRENFELL #88500
john.grenfell@pillsburylaw.com
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

Attorneys for Defendant
NETWORK SOLUTIONS, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DOE, Individually And On Behalf Of All
Others Similarly Situated,

Plaintiff,

vs.

NETWORK SOLUTIONS, LLC,

Defendant.

No. C 07-5115 JSW

NOTICE OF LODGING OF NEW
RULING GERMANE TO
DEFENDANT'S MOTION TO
DISMISS PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE
12(b)(3), OR IN THE ALTERNATIVE
TO TRANSFER PURSUANT TO
28 U.S.C. § 1406(a), FOR IMPROPER
VENUE

Judge: Hon. Jeffrey S. White
Date: January 25, 2008
Time: 9:00 a.m.
CrtRm: 2

1 Defendant Network Solutions LLC (“Network Solutions”) has filed a Motion to
2 Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(3), or in the Alternative to
3 Transfer Pursuant to 28 U.S.C. § 1406(a), For Improper Venue (Dkt. 16) (the “12(b)(3)
4 Motion”), which has been fully briefed and is scheduled for hearing on January 25, 2008.
5 In connection with the 12(b)(3) Motion, Network Solutions hereby respectfully lodges a
6 new germane ruling in the closely related declaratory relief action between the parties in the
7 Circuit Court for Fairfax County, Virginia, entitled Network Solution LLC v. Nexus
8 Holdings, Inc. and Brett Gottlieb, Civil Action No. 2007-11510 (the “Virginia Action”).
9 The Virginia Action is discussed at some length in the 12(b)(3) Motion (see Dkt. 16 at
10 6:19-7:3; 14:11-15:9) and in the Opposition to the 12(b)(3) Motion (see Dkt. 28 at 10:24-
11 11:5).
12

13 On January 10, 2008, after an over two hour evidentiary hearing, the court in the
14 Virginia Action denied defendant Brett Gottlieb’s (“Gottlieb”) Plea in Bar, Motion to
15 Quash Service and/or Dismiss for Lack of Personal Jurisdiction. Specifically, the court in
16 the Virginia Action ruled that it has personal jurisdiction over Gottlieb (i.e., plaintiff “Doe”
17 in the action pending before this Court), based on the same forum-selection clause in the
18 parties’ Service Agreement as quoted in the 12(b)(3) Motion. See Dkt. 16 at 4:24-5:9. The
19 Order in the Virginia Action, which is attached to this Notice of Lodging, overrules and
20 denies Gottlieb’s motion “as more fully set forth in the Court’s oral ruling.”
21
22
23
24
25
26
27
28

1 Network Solutions is in the process of obtaining a copy of the transcript from the
2 hearing in the Virginia Action and will lodge it with this Court as soon as possible.

3 Dated: January 11, 2008
4

5 PILLSBURY WINTHROP SHAW PITTMAN LLP
6 SHERI FLAME EISNER
7 JOHN M. GRENFELL
8 DAVID L. STANTON

9 By /s/ Sheri Flame Eisner
10 Attorneys for Defendant
11 NETWORK SOLUTIONS, LLC
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

NETWORK SOLUTIONS LLC,

Plaintiff,

v.

NEXUS HOLDINGS, INC.

and

BRETT GOTTLIEB,

Defendants.

Civil Action No. 2007-11510

ORDER

THIS MATTER having come before the Court on Defendant Brett Gottlieb's Plea in Bar, Motion to Quash Service and/or Dismiss for Lack of Personal Jurisdiction, it appearing to the Court that the motion should be denied, ^{overruled and as more fully set forth in the Court's oral ruling} it is hereby

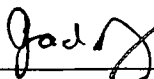
ORDERED that this Court has personal jurisdiction over Defendant Brett Gottlieb, and

ORDERED that Defendant Brett Gottlieb's Plea in Bar, Motion to Quash Service and/or Dismiss for Lack of Personal Jurisdiction be and hereby is denied. ^{overruled and}

Dated: Jan. 10, 2008

Jane Maw Post
Judge, Circuit Court of Fairfax County

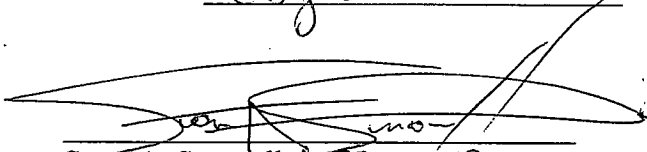
WE ASK FOR THIS



Jack McKay (VSB No. 01319)
Alison B. Rousseau (VSB No. 71418)
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, NW
Washington, DC 20037
Telephone: 202-663-8000
Facsimile: 202-663-8007

Counsel for Plaintiff Network Solutions LLC

SEEN and Objected to:



Scott A. Surovell (VSB #40278)
Surovell Markle Isaacs & Levy PLC
410 University Drive - Suite 200
Fairfax, Virginia 22030
Tel: (703) 277-9750
Fax: (703) 591-2149

Counsel for Defendants